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Chief Clerk of the House

FILED MAR 07 2007

By: Guillen

H.B. No. 2798

A BILL TO BE ENTITLED

AN ACT

relating to the filing of an amended subdivision plat with a county
to correct certain errors or omissions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government
Code, is amended by adding Section 232.011 to read as follows:

Sec. 232.011. AMENDING PLAT. (a) The commissioners court
may approve and issue an amending plat, if the amending plat is
signed by the applicants and filed for one or more of the following
purposes:

(1) to correct an error in a course or distance shown
on the preceding plat;

(2) to add a course or distance that was omitted on the
preceding plat;

(3) to correct an error in a real property description
shown on the preceding plat;

(4) to show the location or character of a monument
that has been changed in location or character or that is shown
incorrectly as to location or character on the preceding plat;

(5) to correct any other type of scrivener or clerical
error or omission of the previously approved plat, including lot
numbers, acreage, street names, and identification of adjacent
recorded plats; or

(6) to correct an error in courses and distances of lot

1 lines between two adjacent lots if:

2 (A) both lot owners join in the application for
3 amending the plat;

4 (B) neither lot is abolished;

5 (C) the amendment does not attempt to remove
6 recorded covenants or restrictions; and

7 (D) the amendment does not have a material
8 adverse effect on the property rights of the other owners of the
9 property that is the subject of the plat.

10 (b) The amending plat controls over the preceding plat
11 without the vacation, revision, or cancellation of the preceding
12 plat.

13 (c) Notice, a hearing, and the approval of other lot owners
14 are not required for the filing, recording, or approval of an
15 amending plat.

16 SECTION 2. Subchapter B, Chapter 232, Local Government
17 Code, is amended by adding Section 232.044 to read as follows:

18 Sec. 232.044. AMENDING PLAT. The commissioners court may
19 approve and issue an amending plat under this subchapter in the same
20 manner, for the same purposes, and subject to the same related
21 provisions as provided by Section 232.011.

22 SECTION 3. Subchapter C, Chapter 232, Local Government
23 Code, is amended by adding Section 232.081 to read as follows:

24 Sec. 232.081. AMENDING PLAT. The commissioners court may
25 approve and issue an amending plat under this subchapter in the same
26 manner, for the same purposes, and subject to the same related
27 provisions as provided by Section 232.011.

1 SECTION 4. This Act takes effect September 1, 2007.

07 APR 27 PM 4:42
HOUSE OF REPRESENTATIVES

**HOUSE
COMMITTEE REPORT**

1st Printing

By: Guillen

H.B. No. 2798

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.011 to read as follows:

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(1) to correct an error in a course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;

(3) to correct an error in a real property description shown on the preceding plat;

(4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or

(6) to correct an error in courses and distances of lot

1 lines between two adjacent lots if:

2 (A) both lot owners join in the application for
3 amending the plat;

4 (B) neither lot is abolished;

5 (C) the amendment does not attempt to remove
6 recorded covenants or restrictions; and

7 (D) the amendment does not have a material
8 adverse effect on the property rights of the other owners of the
9 property that is the subject of the plat.

10 (b) The amending plat controls over the preceding plat
11 without the vacation, revision, or cancellation of the preceding
12 plat.

13 (c) Notice, a hearing, and the approval of other lot owners
14 are not required for the filing, recording, or approval of an
15 amending plat.

16 SECTION 2. Subchapter B, Chapter 232, Local Government
17 Code, is amended by adding Section 232.044 to read as follows:

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19 approve and issue an amending plat under this subchapter in the same
20 manner, for the same purposes, and subject to the same related
21 provisions as provided by Section 232.011.

22 SECTION 3. Subchapter C, Chapter 232, Local Government
23 Code, is amended by adding Section 232.081 to read as follows:

24 Sec. 232.081. AMENDING PLAT. The commissioners court may
25 approve and issue an amending plat under this subchapter in the same
26 manner, for the same purposes, and subject to the same related
27 provisions as provided by Section 232.011.

H.B. No. 2798

1 SECTION 4. This Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

04-26-2007
(date)

Sir:

We, your **COMMITTEE ON LAND AND RESOURCE MANAGEMENT**

to whom was referred HB 2798 have had the same under consideration and beg to report back with the recommendation that it

☒ do pass, without amendment.

☐ do pass, with amendment(s).

☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes ☐ no A fiscal note was requested.

☐ yes ☒ no A criminal justice policy impact statement was requested.

☐ yes ☒ no An equalized educational funding impact statement was requested.

☐ yes ☒ no An actuarial analysis was requested.

☐ yes ☒ no A water development policy impact statement was requested.

☐ yes ☒ no A tax equity note was requested.

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Mowery, Chair	✓			
Orr, Vice-chair	✓			
Zerwas, CBO	✓			
Callegari				✓
Cook, R.	✓			
Davis, Y.				✓
Geren	✓			
Pickett				✓
Ritter				✓

Total

5

aye

0

nay

0

present, not voting

4

absent

Anna T. Mowery
CHAIR

BILL ANALYSIS

H.B. 2798
By: Guillen
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law allows counties that include a municipality with a population of 1.5 million or more to amend plats to correct errors and omissions without issuing notices and publications, and holding hearings. However, no such provision is made in current law for counties that include only municipalities with populations less than 1.5 million. Accordingly, people in these counties must re-submit a plat application in its entirety to re-plat subdivision plats even though a re-plat or re-division of the property did not occur. Counties and individuals are burdened by these unnecessary resubmissions of plat applications.

The purpose of House Bill 2798 is to create a more efficient way to correct minor plat errors in the state's less populous counties, by authorizing counties that do not include a municipality with a population of 1.5 million or more to amend plats to correct certain errors or omissions without the public notices, publications and hearings prescribed by plat revisions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill adds new Section 232.011, Local Government Code, entitled AMENDING PLAT, and authorizes a commissioners court to approve and issue an amending plat if the amending plat is signed by the applicants and filed for one or more of certain listed purposes. These certain listed purposes include to correct an error in a course or distance shown on the preceding plat or to add a course or distance that was omitted on the preceding plat or to correct an error in a real property description shown on the preceding plat or to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat or to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats or to correct an error in courses and distances of lot lines between two adjacent lots under certain conditions. The new Section 232.011 provides that the amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat, and that notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

This bill adds a new Section 232.044, Local Government Code, entitled AMENDING PLAT, to authorize a commissioners court to approve and issue an amending plat under Subchapter B, Chapter 232, Local Government Code, in the same manner, for the same purposes, and subject to the same related provisions as provided by the new Section 232.011, Local Government Code.

This bill adds a new Section 232.081, Local Government Code, entitled AMENDING PLAT, to authorize a commissioners court to approve and issue an amending plat under Subchapter C, Chapter 232, Local Government Code, in the same manner, for the same purposes, and subject to the same related provisions as provided by the new Section 232.011, Local Government Code.

Provides that this Act takes effect on September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

H.B. 2798 80(R)

SUMMARY OF COMMITTEE ACTION

HB 2798

April 11, 2007 8:00 AM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 26, 2007 upon lunch recess

Considered in formal meeting

Reported favorably without amendment(s)

WITNESS LIST

HB 2798

HOUSE COMMITTEE REPORT

Land & Resource Management Committee

April 11, 2007 - 8:00 AM or upon final adjourn./recess

For: Vidavri, Rafael (Webb County TX)

Registering, but not testifying:

For: Garza, Commissioner Jerry (Webb County)

Lee, Donald (Texas Conference of Urban Counties)

Valdez, Judge Danny (Webb County)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 8, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2798 by Guillen (Relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 232, Local Government Code, to authorize a commissioners court to approve and issue an amending plat if the amending plat meets certain requirements. The bill would take effect September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

A BILL TO BE ENTITLED
AN ACT

relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.

MAR 07 2007

Filed with the Chief Clerk

MAR 14 2007

Read first time and referred to Committee on Land and Resource Management

APR 26 2007

Reported favorably (~~no amended~~)
(~~as substituted~~)

APR 30 2007

Sent to Committee on (Calendars)
(~~Consent & Consent Calendars~~)Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not votingRead third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 08 2007

HB 2798 LAID ON TABLE
SUBJECT TO CALL

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 APR 27 PM 6:42
HOUSE OF REPRESENTATIVES